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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,523	09/26/2003	Akira Ibuka	C14-161672M/ISI	6501

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EXAMINER
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DINH, TAN X

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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02/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/670,523

**Applicant(s)**

IBUKA ET AL.

**Examiner**

TAN X. DINH

**Art Unit**

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 is/are allowed.
- 6) ☐ Claim(s) 1-8, 10-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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1) The amendment/preliminary amendment filed 11/16/2007 and 12/07/2007 are acknowledged. New claims 21-24 have been added.

2) Claims 23 and 24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The original specification fails to specify that the priority setting unit capable of setting the priority in advance of the output-stopped state ( claim 23 ) and this feature is considered as new matter.

The same rejection is applied to the phrase " when the output-stopped state of the play-back signals is set in response to the interruption signal, the output-stopped state is not releasable by operation of the operation unit having a lower priority " ( claim 24 ).

3) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5) Claims 1-8 and 10-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over ITO (US 2003/0103634 A1) and KOWAKI (7,218,740).

ITO discloses a play back device as claimed in claims 1 and 7, comprising a plurality of play-back sources ( Fig.1, CDC 11, Radio 12 and Cassette Tape Player 13 ), a first output unit and a second output unit for selecting at least one of the play-back sources to output play-back signals from the at least one of the play-back source ( Fig.2, front speakers 1L and 1R, Rear speakers 2L and 2R, headphone 4 and subwoofer 3 ), a first operation unit for operations relating to the first output unit ( the control panel in front of

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the car ), a second operation unit for operations relating to the second output unit ( the control in rear side of the car ), a control unit for deciding whether the first output unit and the second output unit have selected a common playback source ( Fig.1, controller 20 selects playback sources between CDC 11, Radio 12 or Cassette Tape Player 13 ) and whether the playback signals from common playback source are in an output-stopped state and for inhibiting the release of the output-stopped state from the second operation unit in response to the control unit deciding that the playback signals from the common playback source are in an output-stopped state ( In this case, when user selects different output for second outputting unit, the common playback source is at output-stopped state and the audio still output at headphone 4, see figures 1,4 and 5 ), *except to specifically show a priority setting unit.* KOWAKI from same field teaches an audio system for use in the car with a priority setting unit for setting a priority for the first and second operation units ( column 3, lines 52-59. See figure 11 and column 10, lines 5-41 ). Since the method as taught by KOWAKI is old and widely used in the audio recording/reproducing art, it would have been within the level of skill in the art at the time of the invention was made to use a priority setting unit in Ito for setting a priority for the first and second operation units as claimed.

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As to claim 5, ITO shows second output unit is headphone ( Figs.1,4 and 5, headphone 4 ).

As to claim 6, ITO shows first output unit outputs the playback signals to the front of vehicular compartment ( see abstract ) and second output unit outputs the playback signals to the rear side of the vehicular compartment ( Fig.1, rear speakers 2R and 2R ).

ITO discloses all the subject matter as claimed in claims 2-4,8,10-13, except to specifically show an interruption detecting unit, an output stop setting unit and a priority setting unit. The features of interruption detecting unit and an output stop setting unit are old and well known in the audio recording/reproducing art as admitted by applicant in the specification, paragraph [0020], further, the feature of using a priority setting unit was shown in KOWAKI's audio reproducing system ( column 3, lines 52-59. See figure 11 and column 10, lines 5-41 ). Obviously, someone with ordinary skill in the art at the time of the invention was made would have been motivated to combine the teaching of well known features as admitted by applicant and the teaching of KOWAKI in ITO for car play-back device as claimed.

Claim 14 is rejected with the same reasons set forth in claim 6 above.

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As to claims 15 *and* 16, mute and pause states are old and widely used in audio reproducing art ( see applicant's specification ).

As to claims 17-20, the feature of switching between single mode to dual mode, selecting headphone from second unit in dual mode, playback from second output unit in dual mode and accept signals from second output unit in playback modes are old and widely used in the art as disclosed by applicant's specification, pages 1-7.

As to claim 21, the feature of keep the setting an operation stable without changing is old and well known in the recording art.

As to claim 22, it would have been obvious to set a higher priority to first or second operation units as claimed since the priority setting unit could be set at any desirable levels and/or choice.

As to claims 23 *and* 24, to set an advance any operations as claimed is old and widely used in the audio recording/reproducing art.

6) Claim 9 is allowed.

7) Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

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8) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Primary Examiner TAN Xuan DINH whose telephone number is (571)272-7586. The examiner can normally be reached on MONDAY to FRIDAY from 8:30AM to 5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

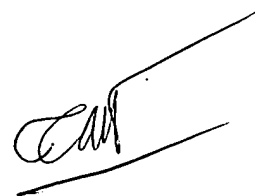
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.



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Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**TAN DINH**  
**PRIMARY EXAMINER**

February 25, 2008